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6 **UNITED STATES DISTRICT COURT**
7 **FOR THE WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 WSOU INVESTMENTS, LLC, d/b/a BRAZOS
10 LICENSING AND DEVELOPMENT,

11 Plaintiff,

12 v.

13 F5 NETWORKS, INC.,

14 Defendant.

15 No.

16 **COMPLAINT FOR PATENT**
17 **INFRINGEMENT**

18 Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development
19 ("Plaintiff"), through its attorneys, complains of F5 Networks, Inc. ("Defendant"), and alleges
20 the following:

21 **PARTIES**

22 1. Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development is a
23 corporation organized and existing under the laws of Delaware that maintains its principal place
24 of business at 605 Austin Avenue, Suite 6, Waco, Texas 76701.

25 2. Defendant F5 Networks, Inc. is a corporation organized and existing under the
26 laws of Washington that maintains its principal place of business at 801 5th Avenue, Seattle,
27 Washington 98104.

28 COMPLAINT FOR PATENT INFRINGEMENT- 1

29 **CORR CRONIN LLP**
30 1001 Fourth Avenue, Suite 3900
31 Seattle, Washington 98154-1051
32 Tel (206) 625-8600
33 Fax (206) 625-0900

JURISDICTION

1 3. This is an action for patent infringement arising under the patent laws of the
 2 United States, Title 35 of the United States Code.

3 4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and
 4 1338(a).

5 5. This Court has personal jurisdiction over Defendant because it has engaged in
 6 systematic and continuous business activities in this District. As described below, Defendant has
 7 committed acts of patent infringement giving rise to this action within this District.

VENUE

9 6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant
 10 maintains its principal place of business in this District, has committed acts of patent
 11 infringement in this District, and has an established place of business in this District. In addition,
 12 Plaintiff has suffered harm in this District.

PATENT-IN-SUIT

14 7. Plaintiff is the assignee of all right, title and interest in United States Patent No.
 15 7,548,945 (the “’945 Patent”); (the “Patent-in-Suit”); including all rights to enforce and
 16 prosecute actions for infringement and to collect damages for all relevant times against infringers
 17 of the Patent-in-Suit. Accordingly, Plaintiff possesses the exclusive right and standing to
 18 prosecute the present action for infringement of the Patent-in-Suit by Defendant.

The ’945 Patent

20 8. The ’945 Patent is entitled “System, network device, method, and computer
 21 program product for active load balancing using clustered nodes as authoritative domain name
 22 servers,” and issued 6/16/2009. The application leading to the ’945 Patent was filed on
 23 6/29/2005. A true and correct copy of the ’945 Patent is attached hereto as Exhibit 1 and
 24 incorporated herein by reference.

25 9. The ’945 Patent is valid and enforceable.

COMPLAINT FOR PATENT INFRINGEMENT - 2

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COUNT 1: INFRINGEMENT OF THE '945 PATENT

2 10. Plaintiff incorporates the above paragraphs herein by reference.

3 11. **Direct Infringement.** Defendant has been and continues to directly infringe one
4 or more claims of the '945 Patent in at least this District by making, using, offering to sell,
5 selling and/or importing, without limitation, at least the Defendant products identified in the
6 charts incorporated into this Count below (among the "Exemplary Defendant Products") that
7 infringe at least the exemplary claims of the '945 Patent also identified in the charts incorporated
8 into this Count below (the "Exemplary '945 Patent Claims") literally or by the doctrine of
9 equivalents. On information and belief, numerous other devices that infringe the claims of the
10 '945 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its
11 customers.

12 12. Defendant also has and continues to directly infringe, literally or under the
13 doctrine of equivalents, the Exemplary '945 Patent Claims, by having its employees internally
14 test and use these Exemplary Products.

15 13. **Actual Knowledge of Infringement.** The service of this Complaint upon
16 Defendant constitutes actual knowledge of infringement as alleged here.

17 14. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer
18 for sale, market, and/or import into the United States, products that infringe the '945 Patent. On
19 information and belief, Defendant has also continued to sell the Exemplary Defendant Products
20 and distribute product literature and website materials inducing end users and others to use its
21 products in the customary and intended manner that infringes the '945 Patent. Examples of such
22 product literature and website materials include the following:

23 • [https://www.xilinx.com/support/documentation/user_guides/ug578-ultrascale-gty-](https://www.xilinx.com/support/documentation/user_guides/ug578-ultrascale-gty-transceivers.pdf)
24 [transceivers.pdf](https://www.xilinx.com/support/documentation/user_guides/ug578-ultrascale-gty-transceivers.pdf)

15. **Induced Infringement.** Defendant therefore actively, knowingly, and intentionally has been and continues to induce infringement of the '945 Patent, literally or by the doctrine of equivalents, by selling Exemplary Defendant Products to their customers for use in end-user products in a manner that infringes one or more claims of the '945 Patent.

16. **Contributory Infringement.** Defendant therefore actively, knowingly, and intentionally has been and continues materially contribute to their own customers' infringement of the '945 Patent, literally or by the doctrine of equivalents, by selling Exemplary Defendant Products to their customers for use in end-user products in a manner that infringes one or more claims of the '945 Patent. The Exemplary Defendant Products are especially made or adapted for infringing the '945 Patent and have no substantial non-infringing use. For example, in view of the preceding paragraphs, the Exemplary Defendant Products contain functionality which is material to at least one claim of the '945 Patent.

17. Exhibit 2 includes charts comparing the Exemplary '945 Patent Claims to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products practice the technology claimed by the '945 Patent. Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements of the Exemplary '945 Patent Claims.

18. Plaintiff therefore incorporates by reference in its allegations herein the claim charts of Exhibit 2.

19. Plaintiff is entitled to recover damages adequate to compensate for Defendant's infringement.

JURY DEMAND

20. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following relief:

A. A judgment that the '945 Patent is valid and enforceable;

- 1 B. A judgment that Defendant has infringed, contributorily infringed, and/or induced
2 infringement of one or more claims of the '945 Patent;
- 3 C. An accounting of all damages not presented at trial;
- 4 D. A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284
5 for Defendant's past infringement and, with respect to the '945 patent, any
6 continuing or future infringement, up until the date such judgment is entered
7 including pre- or post-judgment interest, costs, and disbursements as justified
8 under 35 U.S.C. § 284;
- 9 E. And, if necessary, to adequately compensate Plaintiff for Defendant's
10 infringement, an accounting:
 - 11 i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285
12 and that Plaintiff be awarded its reasonable attorneys' fees against Defendant
13 that it incurs in prosecuting this action;
 - 14 ii. that Plaintiff be awarded costs, and expenses that it incurs in prosecuting this
15 action; and
 - 16 iii. that Plaintiff be awarded such further relief at law or in equity as the Court
17 deems just and proper.

Dated: January 29, 2021

1 By: s/ Blake Marks-Dias
2 Blake Marks-Dias, WSBA No. 28169
3 bmarks-dias@corrchronin.com

4 S/ Eric A. Lindberg
5 Eric A. Lindberg, WSBA No. 43596
6 elindberg@corrchronin.com
7 **CORR CRONIN LLP**
8 1001 Fourth Avenue, Suite 3900
9 Seattle, WA 98154
10 Telephone: (206) 625-8600

11 Jonathan K. Waldrop (CA Bar No. 297903)
12 (Pro hac vice forthcoming)
13 jwaldrop@kasowitz.com

14 Darcy L. Jones (CA Bar No. 309474)
15 (Pro hac vice forthcoming)
16 djones@kasowitz.com

17 Marcus A. Barber (CA Bar No. 307361)
18 (Pro hac vice forthcoming)
19 mbarber@kasowitz.com

20 John W. Downing (CA Bar No. 252850)
21 (Pro hac vice forthcoming)
22 jdowning@kasowitz.com

23 Heather S. Kim (CA Bar No. 277686)
24 (Pro hac vice forthcoming)
25 hkim@kasowitz.com

26 Jack Shaw (CA Bar No. 309382)
27 (Pro hac vice forthcoming)
28 jshaw@kasowitz.com

29 ThucMinh Nguyen (CA Bar No. 304382)
30 (Pro hac vice forthcoming)
31 tnguyen@kasowitz.com

32 **KASOWITZ BENSON TORRES LLP**
33 333 Twin Dolphin Drive, Suite 200
34 Redwood Shores, California 94065
35 Telephone: (650) 453-5170

36 Paul G. Williams (GA Bar No. 764925)
37 (Pro hac vice forthcoming)
38 pwilliams@kasowitz.com

39 **KASOWITZ BENSON TORRES LLP**
40 1230 Peachtree Street N.E., Suite 2445
41 Atlanta, Georgia 30309
42 Telephone: (404) 260-6080

43 **Attorneys for Plaintiff**
44 **WSOU INVESTMENTS, LLC d/b/a**
45 **BRAZOS LICENSING AND**
46 **DEVELOPMENT**

47 COMPLAINT FOR PATENT INFRINGEMENT - 6

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